IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 5734 OF 2007

Sayyed Fakhruddin Ibrahim Quadri.... Petitioner

versus

Smt. Sakinabi & anr..... Respondent.

Mr. A.Z. Mookhtar i/b B.M.Shaikh for the petitioner

CORAM; A.P. DESHPANDE, J.
DATED; 30TH AUGUST, 2007

P.C.;

1. The present petition is directed against an order passed by the City Civil Court, rejecting the application moved by the petitioner for impleading him as party defendant.

2. The plaintiff was served with a notice by BMC under section 351 of MMC Act, alleging an unauthorised construction being made by the plaintiff on the third floor of the building. It is the case of the petitioner, that the BMC has issued a notice to the plaintiff as the present petitioner had made a greivance and complaint about the illegal and unauthorised construction. The present petitioner is one of the tenants residing on the second floor whereas the unauthorised construction is allegedly

made by the plaintiff on the third floor. The trial Court rejected the application moved by the present petitioner by holding that the petitioner is neither necessary nor a proper party in the suit filed by the plaintiff challenging the legality and validity of the notice issued under section 351 of the MMC Act.

3. Perused the order. The same does not suffer from any patent illegality warranting any interference in exercise of writ jurisdiction. Hence writ petition is summarily rejected.

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